

Remarks

Applicants respectfully request reconsideration and allowance of the claims. Claims 6, 7, 20 and 22-53 are currently pending in the application with claims 6 and 20 being in independent form. Claims 1-5, 8-19 and 21 have been previously cancelled.

The Examiner has acknowledged receipt of Paper No. 23 (i.e., the incomplete response to the Restriction Requirement and Election of Species that also included amendments to the specification and claims). Applicants are working under the assumption that those amendments have been entered. If we are incorrect in this assumption, kindly inform us of the status of those prior amendments.

1. *35 U.S.C. §112, first paragraph*

Claim 25 stands rejected under 35 U.S.C. §112, first paragraph. The heart of the matter goes to whether or not there is sufficient written description to support the 80% variant language. While Applicants do not acquiesce to the Examiner's characterization of the application's sufficiency, claim 25 has been amended to recite 90% variants. Support for variants having at least 90% identity may be found at page 6, line 36 of the application as originally filed. Applicants note that claim 34 also recites 80% variant language and have amended the claim to recite 90% variants.

2. *35 U.S.C. §103(a)*

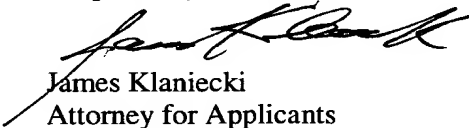
Claims 6, 7, 20 and 22-53 stand rejected as being unpatentable under 35 U.S.C. §103(a) over Lyman, et al. (USPN 5,843,423) in view of Elliott, et al. (USPN 5,478,556), Srivastava, et al. (USPN 6,017,544) and Brem, et al. (USPN 5,626,862). Applicants respectfully traverse.

While Applicants do not acquiesce to the Examiner's rejection under 35 U.S.C. §103(a), Applicants have withdrawn claim 7 to facilitate prosecution. Applicants preserve the right to pursue the withdrawn subject matter in subsequent prosecution or applications. As such, the obviousness rejection has been rendered moot.

Applicants kindly request allowance of the pending claims as amended. If the Examiner believes that any issues could be addressed by way of a telephone conference, the Examiner is cordially invited to telephone the undersigned.

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Respectfully submitted,


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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below.

Date: July 24, 2003
eg2436027/24/03

Signed: 

Nanci M. Kertson